

Message Text

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61
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R 151452Z MAR 74

FM SECSTATE WASHDC

TO AMEMBASSY ROME

AMCONSUL FLORENCE

USMISSION GENEVA

AMCONSUL MILAN

AMCONSUL NAPLES

AMCONSUL TRIESTE

AMCONSUL TURIN

AMCONSUL PALERMO

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EO 11652: NA

TAGS: CGEN

SUBJECT: PROPOSED NEW US-ITALY CONSULAR CONVENTION

1. DEPARTMENT HAS BEEN APPROACHED BY ITALIAN EMBASSY
WITH INFORMAL PROPOSAL FOR NEGOTIATION OF NEW CONSULAR
CONVENTION TO REPLACE THE EXISTING 1878 BILATERAL AND TO
SUPPLEMENT THE MULTILATERAL VIENNA CONVENTION ON CONSULAR
RELATIONS OF 1963, IN FORCE FOR BOTH COUNTRIES. RAFAEL
GESINI, COUNSELOR FOR CONSULAR AFFAIRS AT THE EMBASSY, HAS
DISCUSSED WITH DEPARTMENT LEGAL OFFICER HORACE SHAMWELL
(L/M/SCA) VARIOUS AREAS WHICH MIGHT BE COVERED IN NEW
TREATY AND BOTH AGREED THAT IT WOULD BE HELPFUL TO COMMUN-
ICATE WITH APPROPRIATE OFFICIALS AND POSTS IN ITALY AND
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US TO DETERMINE ADDITIONAL NEEDS IN THIS REGARD. PRIMARY

CONCERNS OF GOI SEEM TO LIE IN AREA OF PRIVILEGES AND IMMUNITIES, FOR CONSULAR OFFICERS AND EMPLOYEES AND DEFINITION OF CONSULAR FUNCTIONS (E.G., IN ESTATE MATTERS), WITH PARTICULAR EMPHASIS ON RIGHT OF CONSULAR OFFICERS RELATING TO PROTECTION OF NATIONALS WHO ARE ARRESTED OR DETAINED.

2. DEPARTMENT HAS BEEN INFORMED THAT ITALIAN EMBASSY IS STILL AWAITING OFFICIAL RESPONSE FROM FOREIGN MINISTRY TO ITS LATEST INQUIRIES; HOWEVER, DEPARTMENT WOULD LIKE TO HAVE ANY COMMENTS OR SUGGESTION WHICH POSTS CAN PROVIDE IN ORDER TO CONTINUE DIALOGUE DURING NEXT ROUND OF INFORMAL DISCUSSIONS.

3. IF NEW BILATERAL CONVENTION NEGOTIATED, SHOULD STRESS AREAS NOT ADEQUATELY COVERED BY VIENNA CONVENTION. AS POINTED OUT IN DEPARTMENT'S A-9148 (OCT 24, L973), RECENTLY CONCLUDED CONSULAR CONVENTIONS (POLAND, HUNGARY, ROMANIA, CZECHOSLOVAKIA AND BULGARIA) HAVE INCORPORATED MORE SPECIFIC RULES FOR CONSULAR NOTIFICATION AND ACCESS IN ATTEMPT OVERCOME PROBLEMS ARISING FROM RELATIVE LACK OF SPECIFICITY IN ARTICLE 36 OF VIENNA CONVENTION. IT IS ALSO OBSERVED THAT THIS ISSUE WAS PROMINENT DURING PREVIOUS US-ITALY CONSULAR CONVENTION NEGOTIATIONS IN THE '50'S. APPARENTLY THIS MATTER STILL OF PARTICULAR CONCERN TO GOI, AS EVIDENCED BY THE EMBASSY'S AIDE-MEMOIRE OF JANUARY 2, 1974, REFERRING TO "WELL-KNOWN CASES OF ARRESTS" OF ITALIAN CITIZENS DURING PAST MONTHS ABOUT WHICH ITALIAN CONSULATE GENERAL IN NEW YORK WAS NOT PROMPTLY INFORMED.

4. IN VIEW GOI INITIATIVE ON CONSULAR CONVENTIONS, POSTS REQUESTED INFORM DEPARTMENT OF PARTICULAR SUBJECT-MATTER AREAS TREATMENT OF WHICH IN NEW CONSULAR CONVENTION WOULD BENEFIT UNITED STATES. REQUEST POSTS LIMIT RESPONSE TO PRIMARY CONCERN AS DETAILED COMMENTS NOT PRESENTLY NEEDED.

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